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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,151

09/30/2003

Kurt A. Dobbins

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

JOHNS, CHRISTOPHER C

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,151

Applicant(s)

DOBBINS, KURT A.

Examiner

Christopher C. Johns

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

The drawings are objected to because numbers appear in the specification that are not in the drawings, numbers appear in the drawings that are not in the specification, and numbers are misused throughout the drawings (multiple assignment). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 29 references, in paragraph 109, Figure 10. However, the nature of the rest of the paragraph makes it clear that the Figure the author means to reference is Figure #16.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Minitel, a telecommunications network based in France from 1978 until 2006, reads on both of the claims in this application.

As per claims 1 and 2:

Minitel, as defined in Macmillan Reference's Computer Sciences encyclopedia (hereafter referred to as Macmillan), was an "interactive network in France consisting of millions of residential and business computer terminals that transmit and receive information exclusively through the country's national telephone system" (Cf. page 142). Minitel, therefore, is a "network service" and the telephone system (run by France Telecom) is the "network service provider".

(Technical reference for this Action is provided by The French Videotex System Minitel: A Successful Implementation of a National Information Technology Infrastructure, an article in *MIS Quarterly* from March 1994 by William Cats-Baril and Tawfik Jelassi, hereafter referred to as Jelassi.)

"One key difference between Minitel and the Internet", Macmillan notes, is that "Minitel users...pay a fee every time they access a Minitel site. The entrepreneur or organization that sponsors the Minitel site collects part of the fee, called a payback, from France Telecom" (Cf. page 144). Minitel sites cover everything from "sending messages, ordering merchandise, viewing store hours of train timetables, researching theater ticket prices...playing games...interactive chat rooms...and a messaging system similar to e-mail" (ibid). Prices for these sites "depend on the services accessed and range from a few cents to more than \$1 (U.S. Dollar) per minute" (ibid).

As an example, a Minitel user will attempt to browse to a Minitel site, such as "36 15 Info". Payment for connection to these services will be requested per agreements –

Art Unit: 3609

when the connection has been set up, the Minitel server (Videotex Access Point, or VAP) will begin to send electrical pulses to the subscriber's meter at a faster-than-normal rate, "to cover the cost of the service...[the] network keeps track of the connection time and pays each provider as a function of that time" (Cf. Jelassi, page 11). [Receiving a payment request from a content provider, receiving a first part of a content, receiving an indication of transport parameters, the indication being associated with the content]

Since the terminal is connected to the VAP through the network, the VAP will receive the instructions to charge the pulses and transmit the service to the user's terminal. [Transmitting the second part of the content in accordance with the transport parameters]

Finally, this billing is billed directly to the user's telephone bill (Cf. Macmillan, page 144). [Billing network transactions through a network service provider]

Claim 2 is rejected as in claim 1: the Minitel system, by its definition, contains "a transmission device" that provides the functionality for said method.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher C. Johns whose telephone number is 571-270-3462. The examiner can normally be reached on Monday-Thursday, 7:30-5, Alternate Fridays, 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 3609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Johns
Examiner
Art Unit 3609

ccj



THOMAS A. DIXON
SUPERVISORY PATENT EXAMINER